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PATENT
Docket No. 278012001420

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND COMPOSITIONS TO MODULATE EXPRESSION IN PLANTS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 19, 2001, as United States Application Serial No. 09/765,555.

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
*			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/177,468	Jan. 21, 2000

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Application Serial No.	Filing Date	Status
09/620,897	July 21, 2000	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Laurie A. Axford (Reg No. 35,053)	Sanjay S. Bagade (Reg No. 42,280)
Josèph Barrera (Reg No. 44,522)	Erwin J. Basinski (Reg No. 34,773)
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Please direct all communications to:

Peng Chen
Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332

Please direct all telephone calls to Peng Chen at (858) 720-5117.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>6/8/1</u>	mk
Date	Name: Carlos F. BARBAS, III Residence: Solana Beach, California Citizenship: United States of America Post Office Address: 755 Pacific Surf Drive, Solana Beach, CA 92075
Date	Name: Justin T. STEGE Residence: San Diego, California Citizenship: United States of America Post Office Address: 6931 Worchester Place, San Diego, California 92126
Date	Name: Xueni GUAN Residence: San Diego, California Citizenship: People's Republic of China Post Office Address: 12524 Caminito Vista Soledad, San Diego, California 92130
Date	Name: Bipin DALMIA Residence: San Diego, California Citizenship: India Post Office Address: 7353 Mannix Court, San Diego, California 92129



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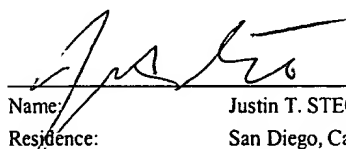
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Residence: Solana Beach, California
Citizenship: United States of America
Post Office Address: 755 Pacific Surf Drive, Solana Beach, CA 92075

6/19/01
Date


Name: Justin T. STEGE
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Citizenship: United States of America
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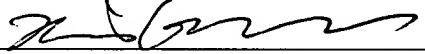
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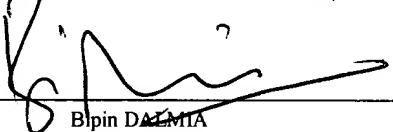
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